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SUPREME COURT OF THE UNITED STATES.

No. 192.

THE UNITED STATES, APPELLANTS,

v.

W. E. P. HARTNELL.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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Transcript of the proceedings in case No. 264. W. E. P. Hartnell, Claimant, *v.* The United States, Defendant, for the place named "Alisal."

Office of the Board of Commissioners to Ascertain and Settle the Private Land Claims in the State of California.

Be it remembered that on this tenth day of June, Anno Domini, one thousand eight hundred and fifty-two, before the Commissioners to ascertain and settle the private land claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of W. E. P. Hartnell, for the place named "Alisal," was presented, and ordered to be filed, and docketed with No. 264, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

San Francisco, January 27th, 1853.

In case No. 264, W. E. P. Hartnell, for the place named "Alisal," the deposition of Manuel Jimeno, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with document marked H. J. T. No. 1, annexed thereto. was filed.

(Vide page 6 of this transcript.)

San Francisco, Sept. 23d, 1853.

Case No. 264 called. On motion of the counsel for the claimant, ordered to the foot of the docket.

San Francisco, October 28th, 1853.

In the same case the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(Vide page 7 of this transcript.)

San Francisco, April 18th, 1854.

In the same case the counsel for the claimant filed the following motion, to wit:

(Vide page 4 of this transcript.)

Which motion having been granted, it is ordered that the case be

revived in the names of the heirs, and testimony be taken in the premises.

San Francisco, July 10, 1854.

In the same case the deposition of Pablo de la Guerra, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed.

(Vide page 8 of this transcript.)

San Francisco, July 11th, 1854.

In the same case, on motion of the counsel for the claimant, the following order was made, to wit:

(Vide page 4 of this transcript.)

San Francisco, Sept. 12, 1854.

Case No. 264 was submitted without argument. In the same case the counsel for the claimant presented the following petition, to wit:

(Vide page 5 of this transcript.)

Which, upon motion, was granted, and ordered to be filed among the papers in the case.

San Francisco, October 31st, 1854.

In the same case, Commissioner R. Aug. Thompson delivered the opinion of the Board, confirming the claim.

(Vide page 55 of this transcript.)

And the following order was made, to wit:

(Vide page 57 of this transcript.)

Petition.

To the Honorable Commissioners to settle Private Land Claims in California.

The petitioner, W. E. P. Hartnell, respectfully shows: That on the 26th day of June, A.D. 1834, Jose Figueroa, Governor of California, by virtue of authority in him vested, granted to the petitioner the tract of land called "Alisal," situate in the present County of Monterey, with the boundaries more particularly described in the grant; a copy of which grant and approval is submitted herewith, marked "A," with a translation marked "B."

That on the 18th day of December, A.D. 1834, the said tract of land was duly surveyed, and the juridical possession of it given to the petitioner in due form, a copy of which act of possession is submitted herewith, marked "C," with a translation marked "D."

That the said land has not been surveyed by the Surveyor-General of the United States, but was duly surveyed at the time of giving the judicial possession and its boundaries marked out.

That the petitioner has been for eighteen years, and now is in the quiet, peaceful, and undisputed possession of said tract of land.

That he knows of no conflicting claim; that he relies for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the archives now in the charge of the Surveyor-General, and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to him the said tract of land.

By his attorneys.

HALLECK, PEACHY, AND BILLINGS.

Filed in office, June 10th, 1852.

(Signed) GEO. FISHER,
Secretary.

No. 264, 228. Order.

Ordered that leave be granted to amend *amend* the petition by making the widow, E. P. Hartnell, parties therein.

Filed in office, July 11, 1854.

GEO. FISHER,
Secretary.

Cases No. 264 & 22.

The counsel for the claimant in these cases suggest the death of the claimant, W. E. P. Hartnell, since the filing of the petitions therein, and move this Honorable Commission for an order, that the said claims may be recorded in the names of the heirs-at-law of the said claimant, to be proved by testimony hereafter to be taken. 18th April, 1854.

HALLECK, PEACHY & BILLINGS.

Filed in office, April 18, 1854.

GEO. FISHER,
Secretary.

Supplemental Petition.

To the Honorable Commissioners to settle Private Land Claims in California.

In Claim No. 264 of W. E. P. Hartnell to "Alisal."

And now come the claimants, Teresa de la Guerra, widow, and Guillermo A. Juan Adilburto, Teresa, Jose, Matilda, Ana, Magdalena, Pablo, Uldario, Amelia, and Silvester, children, and Pablo de la Guerra, and the aforesaid Maria Teresa de la Guerra de Hartnell, executors of the last will of Wm. E. P. Hartnell, deceased, and respectfully represent:

That since the filing of the petitions in this case, the claimant, W. E. P. Hartnell aforesaid, died at Monterey, in California, on the

second day of February, A. D. 1854, leaving the petitioners, his widow and children, and executors of his last will and testament.

They therefore pray this Honorable Board to confirm to them the tract of land called "Alisal," described in the petition of W. E. P. Hartnell, which was filed in the Secretary's office on the 10th of June, 1850, and in the other documents and papers filed in this case.

By their Attorneys,
HALLECK, PEACHY & BILLINGS.

Filed in office, Sept. 12th, 1854.

GEORGE FISHER,
Secretary.

Deposition of Manuel Jimeno.

San Francisco, January 27th, 1853.

On this day, before Commissioner Harry J. Thornton, came Manuel Jimeno, a witness in behalf of the claimant, W. E. P. Hartnell, petition No. 264, and was duly sworn, his evidence being interpreted by the Secretary.

In answer to questions propounded by claimant's counsel, the witness testified as follows:

My name is Manuel Jimeno; my age is 49 years; I have lived in California 24 years.

I am acquainted with the handwriting of Jose Figueroa, Agustin V. Zamerano, G. E. P. Hartnell, Jose Castro, Juan B. Alvarado, David Spence, Manuel Butron, Mariano Soberanes, Feliciano Soberanes, Casimiro Soto; their signatures to the paper before me, marked No. 1, and filed herewith, are genuine; the signature of Manuel Jimeno Casarim is my own.

Juan B. Alvarado's signature is genuine; I know the land described in these papers; Mr. Hartnell, the claimant, occupied this land with a house, cattle, and horses, previous to the date of this title, and has occupied it ever since.

MANL. JIMENO.

U. S. Law Agent present.

Sworn to, and subscribed before me, this 27th January, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office, January 27, 1853.

GEORGE FISHER,
Secretary.

Deposition of David Spence.

Office of the Board of Commissioners, &c.

This day, before Commissioner Alpheus Felch, came David Spence, a witness in behalf of claimant, W. E. P. Hartnell, No. 264, who, after being duly sworn, deposed as follows:

That the petitioner has been for eighteen years, and now is in the quiet, peaceful, and undisputed possession of said tract of land.

That he knows of no conflicting claim; that he relies for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the archives now in the charge of the Surveyor-General, and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to him the said tract of land.

By his attorneys.

HALLECK, PEACHY, AND BILLINGS.

Filed in office, June 10th, 1852.

(Signed) GEO. FISHER,
Secretary.

No. 264, 228. Order.

Ordered that leave be granted to amend *amend* the petition by making the widow, E. P. Hartnell, parties therein.

Filed in office, July 11, 1854.

GEO. FISHER,
Secretary.

Cases No. 264 & 22.

The counsel for the claimant in these cases suggest the death of the claimant, W. E. P. Hartnell, since the filing of the petitions therein, and move this Honorable Commission for an order, that the said claims may be recorded in the names of the heirs-at-law of the said claimant, to be proved by testimony hereafter to be taken. 18th April, 1854.

HALLECK, PEACHY & BILLINGS.

Filed in office, April 18, 1854.

GEO. FISHER,
Secretary.

Supplemental Petition.

To the Honorable Commissioners to settle Private Land Claims in California.

In Claim No. 264 of W. E. P. Hartnell to "Alisal."

And now come the claimants, Teresa de la Guerra, widow, and Guillermo A. Juan Adilburto, Teresa, Jose, Matilda, Ana, Magdalena, Pablo, Uldario, Amelia, and Silvester, children, and Pablo de la Guerra, and the aforesaid Maria Teresa de la Guerra de Hartnell, executors of the last will of Wm. E. P. Hartnell, deceased, and respectfully represent:

That since the filing of the petitions in this case, the claimant, W. E. P. Hartnell aforesaid, died at Monterey, in California, on the

second day of February, A. D. 1854, leaving the petitioners, his widow and children, and executors of his last will and testament.

They therefore pray this Honorable Board to confirm to them the tract of land called "Alisal," described in the petition of W. E. P. Hartnell, which was filed in the Secretary's office on the 10th of June, 1850, and in the other documents and papers filed in this case.

By their Attorneys,
HALLECK, PEACHY & BILLINGS.

Filed in office, Sept. 12th, 1854.

GEORGE FISHER,
Secretary.

Deposition of Manuel Jimeno.

San Francisco, January 27th, 1853.

On this day, before Commissioner Harry J. Thornton, came Manuel Jimeno, a witness in behalf of the claimant, W. E. P. Hartnell, petition No. 264, and was duly sworn, his evidence being interpreted by the Secretary.

In answer to questions propounded by claimant's counsel, the witness testified as follows:

My name is Manuel Jimeno; my age is 49 years; I have lived in California 24 years.

I am acquainted with the handwriting of Jose Figueroa, Agustin V. Zamerano, G. E. P. Hartnell, Jose Castro, Juan B. Alvarado, David Spence, Manuel Butron, Mariano Soberanes, Feliciano Soberanes, Casimiro Soto; their signatures to the paper before me, marked No. 1, and filed herewith, are genuine; the signature of Manuel Jimeno Casarim is my own.

Juan B. Alvarado's signature is genuine; I know the land described in these papers; Mr. Hartnell, the claimant, occupied this land with a house, cattle, and horses, previous to the date of this title, and has occupied it ever since.

MANL. JIMENO.

U. S. Law Agent present.

Sworn to, and subscribed before me, this 27th January, 1853.

HARRY J. THORNTON,
Commissioner.

Filed in office, January 27, 1853.

GEORGE FISHER,
Secretary.

Deposition of David Spence.

Office of the Board of Commissioners, &c.

This day, before Commissioner Alpheus Felch, came David Spence, a witness in behalf of claimant, W. E. P. Hartnell, No. 264, who, after being duly sworn, deposed as follows:

Questions by Mr. Halleck, Attorney for Claimant.

1. Question. What are your name, age, and place of residence?

Answer. My name is David Spence, my age is fifty-five years, and I reside in Monterey, California.

2. Question. Do you know the Rancho called "El Alisal," claimed by W. E. P. Hartnell? If yea, state what you know of its occupation and improvement?

Answer. I know the Rancho perfectly well. It adjoins my own. I was there the first time in the year 1835.

At that time Mr. Hartnell, the claimant, was there, living in an adobe house on the place, with his family.

The house was two stories high. He had also at that time a college there for the education of boys, which was conducted by himself and Father Short.

He had a garden, and a large piece of the land fenced in and cultivated.

He had also on the place a considerable stock of cattle and horses.

He has continued in constant possession and occupation from that time to the present; a part of his family constantly living on the place.

He has been a part of the time in office, which called him to Monterey.

He has made other improvements at different times on said place.

He built a second adobe house on the premises.

D. SPENCE.

Mr. Greenhow, Associate Law Agent, was present at the taking of this deposition, but propounded no interrogatories.

Subscribed and sworn to before me, this 28th day of October, A. D. 1853.

ALPHEUS FELCH,
Commissioner.

Filed in office, Oct 28th, 1853.
(Signed) GEO. FISHER,
Secretary.

Deposition of Pablo de la Guerra.

United States of America, State of California, *p.*

San Francisco, July 10, 1854.

This day personally came before Peter Sott, Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, Pablo de la Guerra, a witness on behalf of claimant in Case No. 264.

Wherein W. E. P. Hartnell is claimant, and said witness, being duly sworn, on oath deposed in English as follows:

The U. S. Law Agent is present.

Questions by Claimant's Counsel.

1. Question. What is your name, age, and residence?

Answer. My name is Pablo de la Guerra. My age 34 years. My residence Santa Barbara County, California.

2. Question. Was you acquainted with the late William E. P. Hartnell, claimant in this case, and also claimant in Case No. 228? If yea, state when he died, and whether he left a widow, and what children, if any, and whether he died testate or intestate?

Answer. I was acquainted with said Hartnell. He died on the second day of February, A. D. 1854, at Monterey, leaving a will; he also left a widow and children.

The widow's name was Teresa de la Guerra, and the children's names were Guillermo, Juan, Adelberto, Teresa, Jose, Matilda, Ana, Magdelena, Pablo, Uldarico, Amelia, and Silvestre.

He left no other child, or descendant of any other child, than those named.

PABLO DE LA GUERRA.

Subscribed and sworn to before me, on this 10th day of July, A.D. 1854.

PETER SOTT,
Commissioner, &c.

Filed in office, July 10, 1854.

GEO. FISHER,
Secretary.

Numero 32. Jose Figueroa, Genl. de Brigada de los Ejercitos nacionales Mejicanos Comte. Genl. Inspeor. y Gefe supor. politico de la Alta California. Por cuanto Don Guillermo Eduardo Hartnell ha pretendido para su beneficio personal y el de su familia una parte del terreno conocido con el nombre del Alizal colindante con la Sierra, el Encinal Rancho de Buena Vista y con la parte que ocupan los ciudadanos Feliciano y Mariano Soberanes acia el Sausal; practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos usando de los facultades que me son conferidas a nombre de la nacion Mejicana he venido en concederle por las presentes letras en decreto de 19 de Diciembre, de 1833, que modifico el 18 de Marso del mismo ano el citado Hartwell la propiedad de una tercera parte del repetido terreno ademas el que comprende desde la loma en frente de la casita antigua del Ciudadano Aguilar hasta el ojo de agua donde antes habia presa inclusive; entendiendose dicha concesion con entera conformidad a lo dispuesto por las leyes y a reserva de la aprovacion o desaprovacion de la Exma Deputacion Territorial y del supremo Gobierno y bajo las condiciones sigtes.

1a. Que se sometara a las que estableciere el Reglamento qe. se

ha de formar para la distribucion de terrenos valdios y que entre tanto ni el agraciado ni sus herederos podra dividir ni enagenar el que se les adjudica, imponer, censo, vinculo fianza, hipoteca ni otro gravamen aun que sea por causa piadosa ni pasarlo a manos muertas.

2a. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres; lo disfrutara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode; pero dentro de un ano a lo mas fabricara casa y estara habitada.

3a. Cuando se le confirme la propiedad solicitara del juez respectivo le de posecion, que le de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mohoneras algunos arboles frutales o silvestres de alguna utilidad.

4a. El terreno de que se hace donacion es de dos tercios de sitio de ganado mayor poco mas segun esplica el diseno que corre en el Espediente y la secion qe. hacen en su favor los referidos Soberanes. El juez que diere la posecion lo hara medir conforme a Ordenanza, quedando el sobrante qe. resulte a la nacion para los usos convenientes.

5a. Si contraviniere a estas condiciones perdera su derecho y sera denunciable por otro.

En consecuencia mando qe. sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey, a 26 de Junio, de 1834.

JOSE FIGUEROA.
AGUSTIN V. ZAMORANO,
Secretario.

Queda tomada razon en el libro de asientos de Titulos sobre adjudicacion de terrenos a fojas treinta y cuatro numero treinta y dos que obra en la Secretaria de mi cargo.

ZAMORANO.

Monterey, Junio 26, de 1834.

Office of the Surveyor-General of the United States for California.

I, John C. Hayes, Surveyor-General of the United States for the State of California, and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, do hereby certify, that the two preceding and hereunto annexed pages of tracing paper, numbered from one to two inclusive, exhibit a true and accurate copy of an entry on folio No. 34 of a certain book, intituled "Titulos," which book forms a part of the said archives in this office.

[SEAL.] In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed at the City of San Francisco, this twenty-ninth day of September, 1853.

JOHN C. HAYES,
U. S. Surveyor-General for California.

Filed in office, November 9th, 1853.

GEO. FISHER,
Secretary.

Translation of Copy of Record.

No. 32. Jose Figueroa, Brigadier-General of the Mexican Army, Commandant General, Inspector, and Superior Political Chief of Upper California.

Whereas Don Guillermo Edwardo Hartnell has solicited, for his personal benefit and that of his family, a part of the land known by the name of the "Alisal," bounded by the mountains, the "Encinal" (oak grove), Rancho of Buenavista, and the part occupied by citizens Feliciano and Mariano Soberanes towards the Sousal; the many steps and investigations having been previously taken and made according to the requirements of laws and regulations, by virtue of the powers conferred upon me, in the name of the Mexican nation, I have determined to grant to said Hartnell, by these present letters in a decree of the 19th of December, 1833, which modified that of the 18th of May of the same year, the ownership of a third part of the said land, besides that comprehended between the hill opposite to the old house of Citizen Aguilar and the spring of water, where there was formerly a dam, inclusive; it being understood that said grant is made in entire conformity with the provisions of the laws, and subject to the approval or disapproval of the Most Excellent Territorial Deputation, and of the Supreme Government and under the following conditions:

1st. That he shall submit to those (conditions), which may be established by the regulations, to be formed for the distribution of vacant lands, and that in the mean time neither the grantee nor his heirs, shall divide nor alienate that which is granted to him, impose land tax, entail reversion, mortgage, or any other incumbrance, although it be for pious uses, nor transfer it in mortmain.

2d. He may fence it without prejudice to the crossings, roads, and servitudes; he shall enjoy it freely and exclusively, destining to the use or cultivation which may best suit him, but within a year at the furthest he shall build a house, and it shall be inhabited.

3d. When the ownership is confirmed to him he shall request the respective judge to give him juridical possession by virtue of this title, by which the boundaries shall be marked out, at the limits whereof he shall place, besides the landmarks, some fruit trees or wild ones of some utility.

4th. The land of which donation is made, consists of two-thirds of a square league, a little more, as appears by the sketch which accompanies the *Expediente*, and the cession made in his favor by the said Soberanes; the judge who may give possession will cause it to be measured according to ordinance, in order to designate the boundaries, leaving the surplus which may result to the nation, for the necessary uses.

5th. If he contravene these conditions he shall lose his right to the land, and it may be denounced by another.

I consequently command that these presents, serving him for a title, and *and* being held as firm and valid, be recorded in the corresponding book, and be delivered to the interested party for his security, and other purposes.

Given in Monterey the 26th of June, 1834.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO,
Secretary.

Due note has been made in the book of entries of titles on adjudications of lands on page thirty-four, number thirty-two, kept in the Secretary's office, under my charge.

ZAMORANO.

Monterey, June 26th, 1834.

I, George Fisher, Secretary to the Board of United States Land Commissioners to settle Private Land Claims in the State of California, do hereby certify, that the foregoing is a true and correct translation of a Spanish document, filed in case No. 264 on the docket of said Board, W. E. P. Hartnell, claimant for the place called "El Alisal," which document is a fac-simile copy certified by John C. Hays, United States Surveyor-General for California, and filed in this office, Nov. 9th, 1853.

In witness whereof I have hereunto signed my name at office, in the City of San Francisco.

GEO. FISHER,
Secretary.

Filed in office, Sept. 12th, 1853.

GEO. FISHER,
Secretary.

Doc. H. J. T. No. 1, *annexed to the Depo. of Manl. Jimeno, taken before Commissioner H. J. Thornton.*

Sello Segundo, Doce Reales.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey para los anos de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco.

FIGUEROA,

RAFAEL GONZALES.

Jose Figueroa, General de Brigada de la Republica Mejicana, Comandante General Inspector y Gefe Superio Politico del Territorio de la Alta California.

[SEAL.] Por cuanto Don Guillermo Eduardo Hartnell ha pretendido para su beneficio personal y el de su familia una parte del terreno conocido con el nombre del Alizal, colindante con la sierra el Encinal Rancho de Buena Vista y con la parte que ocupan los Ciudadanos Feliciano y Mariano Soberanes acia el Sousal, practicados previamente las diligencias y averiguaciones consernientes segun lo dispuesto por las leyes y reglamentos; usando de las facultades que me son conferidas a nombre de la nacion Mejicana he venido en concederle por las presente letras en decreto de diez y nueve de Diciembre de mil ocho cientos treinta y tres que modifico el de diez y ocho de Marso del mismo ano al citado Hartnell la propiedad de una tercera parte del repetido terreno y ademas el que comprende desde la loma en frente de la casita antigua del Ciudadano Aguilar hasta el Ojo de agua donde antes habia presia inclusive; entendiendose dicha consecion con entera conformidad a lo dispuesto por las leyes y a reserva de la aprobacion o desaprobacion de la Ecselentisima Deputacion territorial y del supremo Gobierno y bajo las condiciones signientes.

1a. Que se sometara o las que estableciere el reglamento que se ha de formar para la distribucion de terrenos valdios y que entre tanto ni el agraciado ni sus heredores podran dividir ni enagenar el que se les adjudica imponer senzo, vinculo, fianza hipoteca ni otro gravamen, aunque sea por causa piadosa ni pasarlo a manos muertas.

2a. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres; lo disfrutara libre y esclusivamente destinandolo al uso y cultivo, que mas le acomode, pero dentro de un ano a lo mas fabricara casa y estara habitada.

3a. Cuando se le confirme la propiedad, solicitara del juez respectivo le de posecion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mohoneras algunos arboles frutales, o silvestres de alguna utilidad.

4a. El terreno de que se le hace donacion es de dos tercios de sitio de ganado mayor poco mas segun esplica el diseno que corre en el espediente y la sesion que hacen en su favor los esperidos soberanes; el juez que diere la posecion lo hara medir conforme a ordenanza para senalar los linderos; quedando el sobrante que resulte a la nacion para los usos convenientes.

5a. Si contraviniere a estar condiciones, perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro a que corresponde y se entregue al interesado para su resiguardo y demas

fines. Dado en Monterey a Veinte y seis de Junio de mil ocho cientos, treinta y cuatro.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO,
Srio.

2. Queda tomada razon en el libro de asientos de titulos sobre adjudicacion de terrenos a fojas treinta y cuatro, numero treinta y dos qe. obra en la secretaria de mi cargo.

Monterey, Junio veinte y seis de mil ocho cientos treinta y cuatro.

ZAMORANO.

3. Sello Tercero. Dos Reales.

Habilitado provisionalmente, por la Administracion de la Aduana Maritima de Monterey para los anos de mil ocho cientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA.
RAFAEL GONZALEZ.

[SELLO.] Dado cuenta a la Eccelentisima Diputacion en secion de quince del corriente con el dictamen presentado en ocho del mismo, aprovo las dos proposiciones en que concluye y son del tenor siguiente:

Primera: Se aprueba la concesion echa en favor de los ciudadanos Feliciano y Mariano Soberanes del paraje nombrado el Alizal por decreto de diez y ocho de Mayo de mil ocho cientos treinta y tres y reformado por decreto de diez y nueve de Diciembre del mismo ano.

Segunda: Se aprueba la concesion hecha en favor de Don Guillermo Eduardo Hartnell de la parte del terreno del paraje del Alisal que se le concedio por decreto de diez y nueve de Diciembre de mil ocho cientos treinta y tres, de que habla el articulo anterior; y en su conzecuencia se devuelve el Espediente al Sor Gefe superior politico para su curso. Monterey Julio diez y seis de mil ocho cientos treinta y cuatro.

JOSE FIGUEROA.

JOSE MARIA MALDONADO,
Srio.

Monterey Julio veinte y cuatro de mil ocho cientos treinta y cuatro. En vista de la aprovacion otorgada en diez y seis del presente mes, por la Eccelentisima Diputacion Territorial; librese testimonio de ella y de este decreto a las pertes de los Ciudadanos Feliciano y Mariano Soberanes y de Don Guillermo Eduardo Hartnell en confirmacion a la concesion del terreno del Alizal que obtuvieron por decreto de diez y nueve de Diciembre de mil ocho cientos treinta y tres, que reformo el de diez y ocho de Mayo del mismo ano. El senor Don Jose Figueroa, General de Brigada, Comandante General

Inspector y Gefe superior politico de la Alta California asi lo mando, decreto y firmo de doy fee.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO,
Srio.

Concuerda a la letra con su original de cual hize sacar el presente testimonio para resguardo y demas fines de la parte de Don Guillermo Eduardo Hartnell en Monterey a veinte y cuatro; de Julio de mil ochocientos treinta y cuatro; siendo testigos los ciudadanos Bonifacio de Madariaja y Francisco de Aranjo de esta Vecinidad.

En testimonio de verdad.

JOSE FIGUEROA.

AGUSTIN V. ZAMORANO,
Srio.

4. Sello Tercero. Dos Reales.

[SELLO.] Para los anos de mil ocho cientos veinte y seis y ocho cientos veinte y siete.

Sor Alcalde Constitutional.

[SELLO.] Guillermo Eduardo Hartnell ante V. comparece y dice; que habiendo obtenido la concesion propia de la tercera parte del terreno conocido con el nombre del Alisal, incluso tambien el terreno que comprende desde la loma en frente de la casita antigua del C. Aguilar hasta el Ojo de agua donde antes habia presa inclusive; occure a Umd. para que se sirva darle la posecion juridica conforme esta prevenido en el Arto. 4 del titulo de dho terreno, que se le espidio en 26 de Junio del ano presente que debidamte. acompano e igualmente la confirmacion respectiva para que todo obre los efectos deseados.

P. T. A. V. suplico se sirva ponerme en la posesion que solicito, en lo que recibire justicia, &c.

GUILLERMO EDO. HARTNELL.

Monterey, 30 de Octubre, de 1834.

Monterey 1o. de Dbre. de 1834.

En virtud de la antesedte. solicitud, prosedase por mi el presente juez de primera instancia a la medicion senalamiento de linderos y posecion judicial que solicita el interesado en este Espediente senalandose para ejecutar lo el dia dies y ocho de Diciembre del corrte. ano para lo que se citaron con voleta de comparendo a los colindantes. Asi yo el mencionado juez lo decrete mande y firme con testigos de assistencia con quienes actuo por receptoria a falta de Escribano publico doy fee.

MANUEL JIMENO CASARIN.

De assa.

JOSE CASTRO.

De assa.

JUAN B. ALVARADO.

En la feha presente Dn. Guillermo Edwardo Hartnell se le notifico el anto que antesede y de el entendido. Dijo lo Oye que se daba por citado y lo firmo con migo y los testigos de assa.

CASARIN,
GUILLO. EDO. HARTWELL.

De assa.
JOSE CASTRO.
De assa.
JUAN B. ALVARADO.

5. En la fha se libraron las voletas que se mandan en el antecedte. anto y para que conste lo rubrique.

En el Rancho del Alizal a los dies y ocho del mes me Dbre. de mil ocho cientos treinta y cuatro en cumplimiento del anto de primero de dicho mes y ano concurrieron los Ciudadanos Mariano Estrada, David Spence y Mariano y Feliciano Soberanes colindantes de este rancho y citados pa. la medicion, senalamto. de linderos y posecion, nombre por medidores a los Ciudadanos Vicente Cantua y Casimiro Soto quienes previa la aceptacion y juramto. prosedeian al desempeno de su encargo. Asi yo el decho juez lo decrete mande y firme con testigos de assisto.

MANUEL JIMENO CASARIN,
DAV. E. SPENCE.

De assa.
JOSE CASTRO.
De assa.
MANL. BUTRON.

Sello tercero. Dos Reales.

[SELLO.] Para los anos de mil ochocientos veinte y seis y ochocientos veinte y siete.

[SELLO.] En la fha se les notifico el anto que antecede a los colindantes y entendidos dijeron; que lo oyen y firmaron con migo y los testigos de assistencia.

CASARIN,
MARIANO SOBERANES,
[SELLO.] FELICIANO SOBERANES,
JOSE MARIA ESTRADA,
DAV. E. SPENCE.

De assa.
JOSE MA. ESTRADA.
De assa.
MANUEL BUTRON.

En la fecha y en el espresado rancho se les notifico el anto en el que aparecen nombrados medidores a los Ciudadanos Vicente Cantua y Casimirio Soto y entendidos dijeron: que aceptan y aceptaban

decho encargo y juraron por Dios maestro Sor. y la Senal de la Santa Cruz de usalo fiel y legalmte. a todo su leal sober y entender sin dolo o fraude contra persona alguna y firmo solamente dicho Soto por que Cantua dijo no saberlo hacer lo hice yo con los testigos de asistencia.

MANUEL JIMENO CASARIN,
CASIMIRIS SOTO.

De assa.
JOSE CASTRO.
De assa.
MANUEL BUTRON.

6. Sello tercero. Dos Reales.

[SELLO.] Para los anos de mil ochocientos veinte y seis y ochocientos veinte y siete.

[SELLO.] Incontinenti yo el referido juez mande traer a mi presencia el cordel con que se han de medir las tierras y que los medidores lo miden de cien varas y lo firme con los de assista.

MANUEL JIMENO CASARIN.

De assa.
[SELLO.] JOSE CASTRO.
De assa.
MANUEL BUTRON.

[SELLO.] En la misma en presencia de mi el repitido juez, los espresados mididores, tomaron un cordel de mecate y con una vara de medir usual Mejicana tomandola de la mano midieron cien varas para hacer la referida midicion y para consta lo rubrique.

En la misma fha y en el referido Rancho siendo las ocho de la manana yo el presente Alcalde mande a los mididores nombrados se pongan para las medidas de tierras que se ha hacer del todo el terreno conosido por del Alisal y dividir despues la tercera parte para que el mencionado Don Guillermo E. Hartwell tome posecion de ella y parados en la Encina de las tres cruces situada en el paraje llamado el matadero del Encinal se contemplaron doze cordeles rumbo al N. hasta dar con la sierra, vuelto a dicha Encina y tomando el rumbo O ¼ al N. se midieron cien cordeles hasta la laguna grande. Desde el medio de dicha laguna del lado del N. O. rumbo O. N. O. hasta la punta de la laguna junto al camino real del Alizal, se midieron treinta cordeles. Desde dicha punta rumbo N. N. E. hasta el portesuelo lindero de Manuel Butron se midieron ochenta cordeles. Desde dicho portezuelo rumbo S. E. se contemplaron doscientas cordeles. Hecha esta medicion declararon los referidos medidores haber como dos sitios de ganado mayor. Por convenio mutuo entre los

Sores Soberanes y el Sor Hartwell se combino en que los linderos del ultimo sean desde la Sierra Alta que esta al N. de la Encina de las tres cruces en el matadero del Encinal. Todo el lindero de [7.] Buena Vista desde decho Matadero hasta pasado la laguna grande: y desde la Orilla de dicha laguna de la parte del N. O. tirando una linea derecha rumbo N. E. hasta dar en la mediana de la segunda Canada, despues de la mina hasia la Soledad y a mas el arroyo grande del Alisal desde la cienegita para arriba rumbo al n. y. dicha cienegita es decir todo el terreno comprendido al Oriente de la lomeria que corre desde la cienegita hasta dar con la mediana de la segunda Canada de la mina hacia la Soledad perteneciendole al referido Sor. Hartwell los ojos de agua y lagunas que en dicho terreno que el corresponden existen. Habiendose hecho el senalamto. de linderos mande formasen mo-

Sello tercero. Dos Reales.

[SELLO.] Para los anos de mil ocho cientos veinte y seis y ocho cientos veinte y siete.

joneras y se dibujara un diseno de la parte del terreno que [SELLO.] le corresponde al mencionado Sor. Hartwell para constancia y lo firme por ante los testigos de assistencia segn. dro.

MANUEL JIMENO CASARIN.

De assa.
[SELLO.] JOSE CASTRO.
MANL. BUTRON.

En la fha yo el referido juez mande que en vista de ha- [SELLO.] verse medido el terreno y haverse hecho el senalamto. de linderos se ponga en posecion juridica el Sor. Dn. Guillermo E. Hartwell y notifiqueseles a los colindantes y firme por ante los testigos de assa.

MANUEL JIMENO CASARIN.

DE assa.
JOSE CASTRO.
MANL. BUTRON.

En la misma se les notifico a los colindantes Dn. Mariano Estrada, Dn. David E. Spence, Dn. Mariano Soberanes y a Dn. Feliciano Soberanes el

[8.] Sello tercero. Dos Reales.

[SELLO.] Para los anos de mil ochocientos veinte y seis y ochocientos veinte y siete.

[SELLO.] Auto anterior y entendidos dijeron que lo oyen y firmaron con migo y los testigos de assista.

CASARIN,
MARIANO SOBERANES,
[SELLO.] DAV. E. SPENCE,
MARIANO ESTRADA,
FELICIANO SOBERANES.

De assa.
JOSE CASTRO.
De assa.
MANUEL BUTRON.

En el Rancho del Alisal (*a*) el patrocinio siendo como
[SELLO.] los dies de la manana del mismo dia, mes y ano. El Sor. Dn. Guillermo Eduardo Hartwell, Vecino de Monterey, acompanado del juez de primera instancia y testigos con animo segun dijo dicho Sor. Hartwell de tomar la verdadera, corporal y real posecion del expresado terreno del Alizal (*a*) el patrocinio por haberle pertenecido con justos titulos que obtuvo del Gobierno politico de este territorio con fecha veinte y seis de Junio, de mil ochocientos treinta y cuatro y la aprovacion de la Exma Diputacion Territorial con fha diez y seis de Julio de mil ochocientos treinta y cuatro, entro y paseo por ellas arranco yerbas, esparcio punadas de tierra, rompio ramas de los arboles y hizo otras ceremonias de verdadera posecion en senal de lo que dijo tomar y que tomaba de dichas tierras. Y mando el citado juez, que desde entonces le tubieren y reconocieren al mencionado Sr. Hartwell por verdadero Sor. y poseedor de ellas. De todo lo referido pidio el repetido Sor. Hartwell, que para memoria en lo venidero y conservacion de sus derechos por mi el juez le fuese estendida una constancia, lo que hasi fue autorisada siendo testigos de assistencia Dn. Jose Castro y Dn. Manuel Butron con quienes actuo.

Sello Tercero. Dos Reales.

[SELLO.] Para los anos de mil ochocientos veinte y seis y ochocientos veinte y siete.
[SELLO.] On Receptoria a falta de Escribano publico que no lo hay segun derecho doy fee.
[SELLO.] MANUEL JIMENO CASARIN.
De assa.
JOSÉ CASTRO.
De assa.
MANUEL BUTRON.

En la fha se devuelve este espedte. al interesado con nueve
[SELLO.] fojas utiles y para constancia lo puse por nota que rubrique.

Juan B. Alvarado, Gobernador interino del Departamento de las Californias.

[SELLO.] Por cuanto Dn. Guillermo Edo. Hartwell ha pretendido para su beneficio personal y el de su familia, la ampliacion del terreno que posee en el Alisal, agregandole la Canada, que comprende poco mas o menos desde el aguajito del patrocinio, rumbo N. N. O. hasta la sierra junto al Gobierno dos millas; desde dicho aguajito rumbo N. E. hasta el Roble solo dos y media milla, y desde el mismo aguage rumbo E. hasta la ciencha del pinal ejual distancia corriendo un arroyo por medio de dicha Canada practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mejicana he venido en concederle el mencionado terreno declarandole la propiedad de el por las presentes letras sujetandose a la aprovacion de la Exma. Junta Departamental y a las condiciones siguientes.

1a. Podra cercarlo sin prejudicar las travecias caminos y servidumbres lo disfrutara libre y esclusivamente destinandole al uso o cultivo que mas le acomode.

2a. Solicitara del juez respectivo, que le de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

3a. El terreno de que se hace mencion para ampliacion al que pocee, es de la estencion que esplica el diseno que corre agregado al Espedte. El juez que diere la posecion lo hara medir conforme a ordenanza; quedando el sobrante que resulte a la nacion, para los usos convenientes.

4a. Si contraviniere a estas condiciones, perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro a que corresponde, y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a ocho de Mayo de mil ocho cientos treinta y nueve.

JUAN B. ALVARADO,
MANL. JIMENO.

Ano del despacho.

Queda tomada razon de este titulo en el libro de Asientos sobre adjudicacion de terrenos valdios a fs. 7.

JIMENO.

Filed in office, January 27th, 1853.

GEO. FISHER,
Secretary.

"*B.*" *Translation of Title.*

Seal of the Second Class, twelve Reales.

Authorized provisionally by the administration of the Maritime Custom-House of Monterey, for the years eighteen hundred and thirty-four and eighteen hundred and thirty-five.

(Signed) FIGUEROA,
(Signed) RAFAEL GONZALES.

Jose Figueroa, Brigadier-General of the Mexican Republic, Commandant General, Inspector and Superior Political Chief of the Territory of Upper California.

[SEAL.] Whereas, William Edward Hartnell has solicited, for his personal benefit and that of his family, a part of the land known by the name of the Alisal, bounded by the mountains, the encinal (oak grove), Rancho of Buenavista, and the part occupied by Citizens Feliciano and Mariano Soberanes towards the Sousal; the necessary steps and investigations having been previously taken and made according to the requirements of laws and regulations, I have, by virtue of the powers conferred upon me, granted to said Hartnell by these present letters, in a decree of the nineteenth of December, eighteen hundred and thirty-three, which modified that (decree) of the eighteenth of May of the same year, the ownership of a third part of the said land, besides that comprehended between the hill opposite to the old house of Citizen Aguilar, and the spring of water, where there was formerly a dam, inclusive; it being understood that said grant is made in entire conformity with the provisions of the laws, and subject to the approval or disapproval of the Most Excellent Territorial Deputation, and of the Supreme Government, and under the following conditions:

1st. That he shall submit to those (conditions) which may be established by the regulations to be formed for the distribution of vacant lands, and that in the meantime neither the grantee nor his heirs shall divide nor alienate the land granted to him, impose land-rent, cense, entail (vinculo), reversion (fianza), mortgage, or any other burden, although it may be for pious purposes, nor transfer it in mortmain.

2d. He may fence it in without prejudice to the crossing, roads, and privileges (servidumbres); he shall enjoy it freely and exclusively, destining it to the use and cultivation which may best suit him, but within one year at farthest he shall build a house, and it must be inhabited.

3d. When the ownership is confirmed to him, he shall request the respective Justice to give him juridical possession by virtue of this title; and said magistrate shall designate the boundaries, at the

limits whereof the grantee shall, besides placing the landmarks, plant some fruit trees or wild ones of some utility.

4th. The land whereof donation is made, consists of two-thirds of a square league (dos tercios de sitio de ganado mayor), a little more, as appears by the plot which accompanies the expediente, and the cession made in his favor by the said Soberanes. The Justice who gives possession shall cause it to be measured according to law, in order to designate the boundaries, leaving the surplus which may result to the nation for the necessary uses.

5th. If he transgress these conditions, he shall forfeit his right to the land, and it may be denounced by another.

I consequently command that these presents, serving him for a title, and being held as firm and valid, be recorded in the corresponding book, and be delivered to the party interested for his security and further ends.

Given in Monterey, on the twenty-sixth of June, eighteen hundred and thirty-four.

(Signed) JOSE FIGUEROA.

(Signed) AGUSTIN V. ZAMORANO,
Secretary.

Recorded in the book of entries of titles respectively, adjudication of lands, at folio thirty-four, number thirty-two, kept in the Secretary's office under my charge.

Monterey, June 26, eighteen hundred and thirty-four.

(Signed) ZAMORANO.

Seal of the Third Class. Two Reales.

Authorized provisionally by the administration of the Maritime Custom-House of Monterey, for the years eighteen hundred and thirty-four, and eighteen hundred and thirty-five.

(Signed) FIGUEROA,

(Signed) RAFAEL GONZALES.

[GOVT. SEAL.] The report presented on the eighth of the present month having been laid before the Most Excellent Deputation, in the session of the fifteenth instant, the two proposals, which conclude said report, and are of the following tenor, were approved.

First. The grant made in favor of Citizens Feliciano and Mariano Soberanes, of the place named the *Alisal*, by decree of the eighteenth of May, eighteen hundred and thirty-three, and amended by the decree of the nineteenth December of said year, is approved.

Second. The grant made in favor of William Edward Hartnell, of the part of the land of the place of the Alisal, granted by decree of the nineteenth December, eighteen hundred and thirty-three, mentioned in the foregoing article, is approved.

In consequence whereof, the Expediente is returned to the Superior Chief for its continuance.

Monterey, July sixteenth, eighteen hundred and thirty-four.

JOSE FIGUEROA.

JOSE MARIA MALDONADO,
Secretary.

Monterey, July 24th, 1834.

In view of the approval granted on the sixteenth of the present month, of the Most Excellent Territorial Deputation, let a testimony thereof and of this decree be given to the parties interested, Citizens Feliciano and Mariano Soberanes, and William Edward Hartnell, in confirmation of the grant of the land of the Alisal, which they obtained by a decree of the nineteenth of December, eighteen hundred and thirty-three, which amended the decree of the eighteenth of May of the same year.

Senor Don Jose Figueroa, Brigadier-General, Commandant General, Inspector, and Superior Political Chief of Upper California did thus command, decree, and sign, whereof I give testimony.

JOSE FIGUEROA.

AGUSTIN V. ZAMARANO,
Secretary.

The foregoing agrees literally with its original, from which I commanded the present testimony to be copied, for the security and further ends of the party interested, William Edward Hartnell, in Monterey, on the twenty-fourth of July, eighteen hundred and twenty-four, being witnesses Citizens Bonifacio de Madriaga, and Francisco de Aranjo, residents of this place. In testimony of truth.

(Signed) JOSE FIGUEROA.

(Signed) AGUSTIN V. ZAMARANO.
Secretary.

Filed in office, June 10, 1854.

GEO. FISHER,
Secretary.

Seal of the Third Class. Two Reales.

[SEAL.] For the years eighteen hundred and twenty-six, and eighteen hundred and twenty-seven.

Senor Constitutional Alcalde.

William Edward Hartnell appears before you and says, that having obtained the proper
[Seal for 1828 and 1829.] grant of the third part of the land known by the name of the Alisal, including also the land comprehended between the hill opposite to the
[Seal for 1830 and 1831.] old house of Citizen Aguilar, and the spring of water, where there was formerly a dam, inclusive; he applies to you, in order that you

[Seal for 1832 and 1833.] would be pleased to give him juridical possession in conformity with the provisions of the 4th Article of the title of said land, granted
[Seal for 1834 and 1835.] on the 26th of June, of the present year, which duly accompanies, as likewise the respective confirmation, so that the whole may produce the desired effect.

I therefore request that you would be pleased to put me in the possesion which I ask for, whereby I shall receive justice, &c.

(Signed) WM. EDWARD HARTNELL.

Monterey, 30th October, 1834.

Monterey, 1st December, 1834.

In virtue of the foregoing petition, let me, the present Judge of the First Instance, proceed to the measurement, designation of boundaries and judicial possession asked for by the interested in this *Expediente*, fixing for the execution thereof, the eighteenth of December, of the present year, to which effect the neighboring land-owners will be cited by means of summons.

Thus I, the said Judge, did decree, command and sign, with assisting witnesses, with whom I act as Judge delegate (per receptoria), for want of a Notary Public.

I give testimony.

(Signed) MANL. JIMENO CASARIN.

Assisting witnesses.

(Signed) JOSE CASTRO,
(Signed) JUAN B. ALVARADO.

On the same date, William Edward Hartnell being present, the foregoing decree was notified to him, who having understood it, said that he heard it and considered himself as cited, and signed with me and the assisting witnesses.

(Signed) CASARIN.
(Signed) WM. EDWD. HARTNELL.

Assisting witnesses.

(Signed) JOSE CASTRO,
(Signed) JUAN B. ALVARADO.

On the same day the summons mentioned in the foregoing decrees were despatched. In testimony whereof, I sign with my flourish.

(Signed) THE ALCALDE'S FLOURISH.

In the Rancho of the Alisal, on the eighteenth day of the month of December, eighteen hundred and thirty-four, in fulfilment of the decree of the first of said month and year, the Citizens Mariano Estrada, David Spence, and Mariano and Feliciano Soberanes, owners of the adjoining ranchos and summons for the measurement, designa-

tion of boundaries and possession, appeared, and I appointed as measurers, Citizens Vicente Cantua, and Casimirio Soto, who after accepting and taking oath will proceed to exercise their functions.

Thus I, the said Judge, did decree, command, and sign with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN,
(Signed) DAVID E. SPENCE.

Assisting witnesses.

(Signed) JOSE CASTRO,
(Signed) MANUEL BUTRON.

On the same date the foregoing decree was notified to the adjoining land-owners, who, having understood it, said that they heard it, and signed with me and the assisting witnesses.

(Signed) CASARIN,
(Signed) MARIANO SOBERANES,
(Signed) FELICIANO SOBERANES,
(Signed) JOSE MARIA ESTRADA,
(Signed) DAVID E. SPENCE.

Assisting witnesses.

(Signed) JOSE CASTRO,
(Signed) MANUEL BUTRON.

On the same date, and in the said Rancho, the decree, wherein Citizens Vicente Cantua and Casimiro Soto are appointed measurers, was notified to them, and having understood it, they said they accepted, and did accept said appointment, and swore by the Lord our God and the sign of the Holy Cross to comply faithfully and legally, to the best of their knowledge and ability, without deceit or fraud against any person, and said Soto alone signed, because Cantua said that he did not know how.

I signed with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN,
(Signed) CASIMIRO SOTO.

Assisting witnesses.

(Signed) JOSE CASTRO.
(Signed) MANUEL BUTRON.

Immediately afterwards, I, the said Judge, ordered to be brought into my presence the cord wherewith the land was to be measured, and that the measurers should measure off one hundred varas, and signed with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN.

Assisting witnesses.

(Signed) JOSE CASTRO.
(Signed) MANUEL BUTRON.

On the same day, in presence of me, the said Judge, the said

measurers took a hempen cord, and taking a common Mexican vara rod in their hands, measured off one hundred varas, to make the said measurement with, in testimony whereof I signed with my flourish.

(Signed) THE ALCALDE'S FLOURISH.

On the same date, and in the same Rancho, it being 8 o'clock in the morning, I, the present Alcalde, commanded the measurers appointed to place themselves, in order to measure the whole of the land known as the Alisal, and divide afterwards the third part for the said William Edward Hartnell to take possession of, and standing at the oak tree of the three crosses, situated in the place called the *Matadero del Encinal*, twelve cords were calculated towards the north to the mountains, returning to said oak tree, and taking the direction of W.¼ N., one hundred cords were measured to the great Lagoon; from the middle of said Lagoon on the N. W. side, in the direction of W. N. W., to the point of the Lagoon near the high road to the Alisal, thirty cords were measured; from said point in the direction of N. N. W. to the mountain pass (portezuela) the boundary of Manuel Butron, eighty cords were measured; from said *portezuela*, in the direction of S. E., two hundred cords were calculated.

Having made this measurement the said measurers declared that there were about two square leagues (como dos sitios de ganado mayor). By mutual agreement between Messrs. Soberanes and Mr. Hartnell, it was stipulated that the boundaries of the latter shall be from the high mountains to the N. of the oak tree of the three crosses in the *Matadero del Encinal*, all the boundary line of Buena Vista from said Matadero to the other side of the large, and from the edge of the said Lagoon on the N. W. side, drawing a straight line in the direction of N. E. until arriving at the middle of the second glen (Canada), on the other side of the mine towards the Soledad; and, besides the great creek of the Aisal, from the swamp upwards towards the north of said swamp, that is to say, all the land comprised to the east of the creek and to the north of east of the hills, which run from the swamp to the middle of the second glen below the mine towards the Soledad, the springs of water and lagoon in the land corresponding to said Hartnell to belong to him.

Having designated the boundaries I ordered landmarks to be formed, and a plot to be made of the part of the land belonging to said Hartnell, as a proof thereof, and signed in presence of the assisting witnesses, according to law.

(Signed) MANUEL JIMENO CASARIN.

Assisting witnesses:

(Signed) JOSE CASTRO,

(Signed) MANUEL BUTSON.

On the same date, I, the said Judge, did command that the land

having been measured and the boundaries designated, William E. Hartnell should be put in judicial possession, and the neighboring landholders be notified, and signed with the assisting witnesses.

(Signed) MANUEL JIMENO CASARIN.

Assisting witnesses:

(Signed) JOSE CASTRO,

(Signed) MANUEL BUTSON.

On the same date the owners of the adjoining rancho, Don Mariano Estrada, Don David Spence, Don Mariano Soberanes y Don Feliciano Soberanes were notified of the foregoing decree, which having understood, they said that they heard it, and signed with me and the assisting witnesses.

(Signed) CASARIN,

(Signed) MARIANO SOBERANES,

(Signed) MARIANO ESTRADA,

(Signed) DAVID SPENCE,

(Signed) FELICIANO SOBERANES.

Assisting witnesses,

(Signed) JOSE CASTRO,

(Signed) MANUEL BUTSON.

In the Rancho of the Alisal, alias the Patrocinio, it being about ten o'clock in the morning of the same day, month, and year, Mr. William Edward Hartnell, a resident of Monterey, accompanied by the Judge of the First Instance, and witnesses, with the design, as said Hartnell said, of taking true, corporal, and real possession of the said land of the Alisal, alias the Patrocinio, it belonging to him by just title, which he obtained from the Political Government of this territory on the twenty-sixth of June, eighteen hundred and thirty-four, and the approval of the Most Excellent Territorial Deputation on the sixteenth of July, eighteen hundred and thirty-four; he entered and walked on said lands, pulled up grass, scattered handfuls of earth, broke off boughs of trees, and performed other ceremonies of true possession, which he said he took, and did take of said lands, and the said did command that said Hartnell should thenceforward be held and acknowledged as true lord and possessor thereof. Of all the beforementioned, said Hartnell requested that I, the said judge, should give him a certificate for future memory and the conservation of his rights, which was thus authorized, the assisting witnesses being Don Jose Castro and Don Manuel Butson, with whom I act as Judge Delegate, for want of a Notary Public (there being none according to law).

I give testimony.

(Signed) CASARIN.

Assisting witnesses,

(Signed) JOSE CASTRO,

(Signed) MANUEL BUTRON.

On the same date this espediente is returned to the party interested on nine useful folios, in testimony whereof I made this note, and signed with my flourish.

(Signed) THE ALCALDE'S FLOURISH.

Filed in office, June 10th, 1852.

GEO. FISHER,
Secretary.

Certified Copy of the Will of Hartnell.

Last Will and Testament of W. E. P. Hartnell, of Monterey, State of California.

In the name of the most Holy Trinity, Father, Son, and Holy Ghost, I, William Edward Petty Hartnell, being at this moment (thanks be to God) in perfect good health, and of sound mind and memory, do declare this to be my last will and testament.

In the first place, I declare it is my desire to live and die in the bosom of the Holy Roman Catholic and Apostolic Church, and I request, that when it may please the Almighty to call me out of this world, my funeral be conducted in as plain and modest a manner as possible, and without any unnecessary pomp.

Item. I declare that the property which I possess, and the debts owing by and to me will be found expressed in the adjoining list signed with my name. I do further declare, that I do hereby constitute and appoint as my sole executors, and as tutors and guardians to such of my children as may remain under age at the time of my death, my dearly beloved wife, Maria Teresa de la Guerra, and her brother and my good friend, Don Pablo de la Guerra, requesting that they will as soon after my demise as possible pay off my debts and satisfy my bequests. It is likewise my desire, that my debtors be not in any way distressed on account of the amounts they may owe, but that they be merely requested to pay, and that whatever they may choose to pay be received in full of all demands.

I do furthermore declare, that it is my desire that on my decease, my wife do enter into and take possession of all my property, both real and personal estate, and that she have the sole management and control thereof during her natural life (excepting such parts as I may hereinafter dispose of for her use and benefit, and for the maintenance of our dearly beloved children, Guillermo Antonio, Juan Adelberto, Teresa, and Jose Matilda, Ana Magdalena, Pablo Uldarico, Silvestre, Amelia, Arnulfo, and any others which the Lord may yet be pleased to bless us with), and on the death of my said wife, it is my desire that all said property be equally divided amongst our said children in the manner which may seem most equitable to my brother-in-law, Don Pablo de la Guerra, should he survive my wife, or, in case of his previous death, to the person who my wife may by will appoint in his stead, without any responsibility, bond, or guar-

antee whatsoever on the part of either of my executors respecting the fulfilment of this my last will and testament, for my principal object is to prevent any member of the law from having anything whatever to do with my property, or with my executors or heirs.

I moreover give and bequeath unto my sister Mary, or in case of her death, to my sister Hannah, or to whichever of my brothers George or Nathaniel may be in most want thereof, the amount of one thousand dollars, which I request my executors to remit in a good bill of exchange on England to my brother Nathaniel, residing at No. 1 Hagley Place, New Kent Road, London. I furthermore desire that another bill of exchange of the same description, for the amount of six hundred dollars, be forwarded to the Right Rev. Doctor Denver, B.C., Bishop, Belfast, or, in his absence, to the Rev. James Killen, P.P., Ballymacarreth, Belfast, Ireland, for him to distribute to the persons about whom I have written to him, in proportion to their necessities.

It being understood, that should I, in my lifetime, be enabled to make remittance of the two before-mentioned amounts of $1000 and $600, then these two bequests to be null and void.

I give and bequeath unto my son, Guillermo, my large family mourning ring; unto my son, Juan, my old silver watch; unto my son, Adelberto, the ring which I wear; and to my daughter, Teresa, my mother's likeness. To the rest of my children I give and bequeath my library, to be divided amongst them as their mother may see fit.

And to the whole of them I give my paternal blessing, in the name of the Father, and of the Son, and of the Holy Ghost. Amen.

Signed, sealed, and delivered in the City of Monterey, this sixth day of December, in the year of our Lord one thousand eight hundred and fifty, in the presence of the subscribing witnesses.

[W. E. P. H.] W. E. P. HARTNELL.

We, the undersigned, do hereby certify that the foregoing document was signed by W. E. P. Hartnell in our presence, and then and there declared by him to be his last will and testament.

MANL. JIMENO,
Residente en la Ciudad de Monterey.

D. SPENCE,
Resident in the City of Monterey.

JAS. M'KINLEY,
Resident in the City of Monterey.

List of property belonging to me this day, and of the debts owing to and by me, referred to in my foregoing will and testament.

1st. My dwelling-house in Hartnell Street, with the lot annexed, of the dimensions expressed in a document signed by Walter Colton, on the 17th March, 1847 (less 30 yards square sold John Gorman, and 15 y. front by 30 y. deep, sold J. B. Mason).

2d. A lot of 40 yards front and 56 y. in depth, opposite my said dwelling-house, as pr. deed signed by W. Colton, 9th April, 1847.

3d. A lot of 160 yards front and 100 y. in depth (less 25 y. front by 40 y. in depth, sold John Morris, and the same quantity of land sold to W. H. Halleck), situate in Chanate Street, as pr. deed signed by W. Colton, 3d March, 1847.

4th. A lot near the Huerta Vieja of 25 y. front by 50 y. in depth, as pr. deed given by Marcedonio Pardilla, 31st December, 1849.

5th. Five lots in South San Francisco, as pr. deed signed by John Townsend and C. de Boon the 30th September, 1849.

6th. My Rancho of the Alisal (now called Patrocinio), as pr. deed signed by Jose Figueroa the 26th June, 1834, with two houses on the same.

7th. Augmentation to said rancho, as per deed signed by Juan B. Alvarado, 8th May, 1839.

8th. My Rancho of Todos Santos and San Antonio, as pr. deed signed by Juan B. Alvarado, 28th August, 1841.

9th. My Rancho of the Cosumnes, less the sections No. 10 and 12, sold to W. T. Sherman; No. 14, sold to W. D. Wilson; No. 16, sold to Jered Sheldon, and the lower half of No. 13, sold to Mr. Austin, as pr. map surveyed by W. T. Sherman, and deposited in the archives of the Recorder's office, at Sacramento City, as pr. deed signed by Manuel Micheltorena, 3d Nov., 1844.

10th. My personal property, consisting, a little more or less, in one thousand head of cattle, fifteen horses, eight mules, two carriages, one wagon, a library, household furniture, &c. W. D. Wilson's obligation for $1963, due November 2d; J. C. Austin's note for $900, due 22d of November or December (in the hands of A. C. Manson, Sacramento City, for collection); Wilson's note for $2250, due 2d February, 1851; John Morris's obligation for $200, past due. Mariano Soberanes owes me in cash $79. Joaquin Estudillo owes, according to my account, some $900, but he denies the greater part. Jose Anto. Carillo owes about $1000.

Debts owing by me.

I am indebted to George Aikin, of San Francisco, as agent for John Yates, of Liverpool, $1297 37; to W. D. Howard, of San Francisco, some $600; to Jose Anto. Aguierre, of San Diego, $915; to Al. Forbes, of Santa Clara, as agent for Barron, Forber & Co., of Tepic, $400.

W. E. P. HARTNELL.

Monterey, 6th Dec., 1850.

L. W. Hastings, of Sutter, is likewise indebted to me the amount of five thousand dollars ($5000), for a lot or parcel of land which he sold for me to Mr. T. Sheldon, and received the cash for; and as

this was a breach of trust on his part, I desire that he may be proceeded against to the rigor of the law.

W. E. P. HARTNELL.

Monterey, 6th December, 1850.

Probate Court, Monterey County, State of California.

Monday, 27th February, 1854.

David Spence, upon being sworn, deposeth and saith, that he was acquainted with W. E. P. Hartnell, deceased; that he is now dead; that he died on the morning of the 2d of this month and year. Upon being shown the last will and testament of W. E. P. Hartnell, says that he has known the handwriting of W. E. P. Hartnell for many years, and that the writing and signature to the will is that of W. E. P. Hartnell's; that he (David Spence) was a witness to the signature at the time the will was signed by the late W. E. P. Hartnell; says that the signature which he (David Spence) has sworn to is the signature affixed to an instrument purporting to be the last will and testament of W. E. P. Hartnell.

Says that it is his (David Spence) signature as witness to the signature of W. E. P. Hartnell, affixed to said instrument; says that W. E. P. Hartnell, deceased, signed the same in his presence, and at the same time mentioned in deponent's presence, that it was his signature to his last will and testament. Says that he signed the same as witness, in the presence of W. E. P. Hartnell, and at his presence of W. E. P. Hartnell, and at his request, says that at the time he knows that W. E. P. Hartnell, deceased, was of sound mind and of disposing memory.

That Manuel Jimeno and James McKinley were also subscribing witnesses to the signature of W. E. P. Hartnell, as shown in his last will and testament, at the time he (deponent) subscribed to the same. That according to his (deponent's) best information said Manuel Jimeno died in Mexico not long since; that he is therefore not now in this country.

Upon being shown the signature of Manuel Jimeno as a subscribing witness to the signature of W. E. P. Hartnell, states that it is his (Manuel Jimeno's) signature, and signed in deponent's presence. States that he is acquainted with James McKinley, and that the signature of said McKinley, as a subscribing witness to the signature of W. E. P. Hartnell, as shown in his last will and testament, is the signature of James McKinley, and that said James McKinley signed the same in his (deponent's) presence; says that according to the best of his information that said McKinley has been absent from this country some months, and that he is now supposed to be in the County of San Luis Obispo, according to the best information that is in the possession of deponent.

D. SPENCE.

Subscribed and sworn to, before me, in open Court, this 27th day of February, 1854.

JAMES H. GLEASON,
Clerk of the Probate Court, Monterey County.
Per EDWARD L. WILLIAMS,
Deputy Clerk.

Probate Court, Monterey County, State of California. Regular Term of February, 1854.

On reading the last will and testament of W. E. P. Hartnell, proved to be such by the testimony of David Spence, one of the subscribing witnesses, and it appearing to the satisfaction of the Court, by the testimony of the said Spence, that the testator at the time of the execution was of sound mind, and not under restraint, the Court therefore orders that the said will be admitted to probate, and that letters testamentary, with a copy of the will annexed, be issued to the executors named in said will. To wit, Pablo de la Guerra, and Maria Teresa de la Guerra de Hartnell.

Given under my hand and the seal of the Court affixed, this 20th day of February, A. D. 1854.

[SEAL.] JOSIAH MERRITA,
Probate Judge of Monterey County.

Received for record, February 9th, 1854. I, James H. Gleason, Clerk of the Probate Court, in and for the County of Monterey, State of California, do hereby certify, that the foregoing exhibits a true and correct copy from the records of the Probate Court, in and for said county, in Book of Wills, pages from 25 to 32 inclusive.

Given under my hand, and the seal of said Court affixed this day, May 1, A. D. 1854.

[SEAL.] JAMES H. GLEASON,
Clerk of said Court.

Filed in office, July 10, 1854.

GEO FISHER,
Secretary.

Part of the "Alisal."

THE HEIRS OF W. E. P. HARTNELL,
v.
THE UNITED STATES. } No. 264.

This claim was originally filed in the name of W. E. P. Hartnell, but he having died since the filing of the petition, it has been revived and now stands in the name of his widow and heirs.

Opinion by Commissioner R. Aug. Thompson.

It is founded on a grant made by Governor Figueroa, to said

Hartnell, on the twenty-sixth day of June, 1834, and duly approved by the Territorial Deputation, on the 16th of July following.

The grant is for a little more than two-thirds of a square league, being part of the land known by the name of the Alisal.

It appears from the original record of the act of juridical measurement and possession, executed by Manuel Jimeno Casarin, Judge of the First Instance, on the 18th of December, 1834, that a survey of the whole tract called Alisal was made, and the part granted to Hartnell laid off by proper metes and bounds.

The genuineness and authenticity of all the original documents and instruments of title, and a full compliance with the conditions of the grant, are established by the testimony.

A decree of confirmation will be entered.

Filed in office, Oct. 31, 1854.

GEO. FISHER,
Secretary.

Decree.

HEIRS OF W. E. P. HARTNELL,
v.
THE UNITED STATES. } No. 264.

In this case, on hearing the proofs and allegations, it is adjudged by the Commission, that the claim of the petitioners is valid, and it is therefore decreed that the same be confirmed to Teresa de la Guerra, widow, and Guillermo Hartnell, Juan Hartnell, and others, children and heirs of William E. P. Hartnell, deceased, according to their respective rights and interests, under the last will and testament of the said William E. P. Hartnell, deceased, a duly certified copy of which is filed among the papers in the case.

The land of which confirmation is made, is a little more than two-thirds of a square league, being part of a tract situated in the county of Monterey, known by the name of Alisal, described in the original grant, and defined and laid off in the act of judicial possession, executed by Manuel Jimeno, on the 18th December, 1834. For a more particular description, reference to be had to said original documents, both of which are filed in the case.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office, Oct. 31, 1854.

GEO. FISHER,
Secretary.

And it appearing to the satisfaction of this Board, that the land hereby adjudicated, is situated in the Southern District of California, it is hereby ordered, that two transcripts of the proceedings and of the decisions in this case, and of the papers and evidence upon

which the same are founded, be made out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney-General of the United States.

Office of the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing fifty-seven pages, numbered from 1 to 57, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said Board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded, on file in this office, in Case No. 264 on the docket of the said Board, wherein W. E. P. Hartnell is the Claimant against the United States, for the place known by the name of "Alisal."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office), at
[Priv. Seal.] San Francisco, California, this twentieth day of June, A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

GEORGE FISHER,
Secretary.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

I, Charles E. Carr, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing 58 pages, numbered from 1 to 58, both inclusive, contain a full, true, and correct copy of Transcript No. 264, filed in this office, wherein Wm. E. P. Hartnell et al. are appellees, and the United States appellant for "Alisal."

In testimony whereof I have hereunto set my hand and
[SEAL.] affixed the seal of said Court, at Los Angeles, California, this 20th day of December, A.D. 1855, and of the Independence of the United States of America the eightieth.

C. E. CARR,
Clerk.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

WM. E. P. HARTNELL et al., Appellees,
v.
THE UNITED STATES, Appellants.
} Docket No. 254. (Transcript No. 264.)

Be it remembered, that on the 2d day of July, A. D. 1855, in the

District Court of the United States for the Southern District of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, in the case wherein Wm. E. P. Hartnell et al. are the claimants against the United States for the place named "Alisal," was received and filed, and docketed with No. 254, and is as follows, to wit:

(Vide page 1.)

Los Angeles, July 21st, 1855.

In case No. 254, Wm. E. P. Hartnell et al. for "Alisal," the notice of appeal from U. S. Attorney-General was filed.

(Vide page 3.)

Los Angeles, Sept. 28th, 1855.

In same case the petition of the United States for review was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, Sept. 28th, 1855.

In the same case the answer of appellee was filed.

(Vide page 5.)

Los Angeles, Oct. 3d, 1855.

In the same case the opinion of the Court was delivered, and a decree confirming the claim entered.

(Vide page 6.)

Los Angeles, Oct. 18th, 1855.

In the same case, on motion of P. Ord, U. S. Attorney, the order of appeal was filed.

(Vide page 7.)

Notice of Appeal.

Office of the Attorney-General of the U. States.
Washington, June 18th, 1855.

(264.) Alisal.

W. E. P. Hartnell, Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcriot of the

proceedings in which was received in this office on the 9th day of April, 1855, the appeal in the District Court of the United States for the Southern District of California will be prosecuted by the United States.

Very respectfully,

(Signed) C. CUSHING,
Attorney-General.

Filed July 21st, 1855.

C. E. CARR,
Clerk.
By A. W. CLARK,
Deputy.

Petition of U. S. for Review.

In the District Court of the United States for the Southern District of California.

Hon. Isaac S. K. Ogier, Judge.

HEIRS OF WM. E. P. HARTNELL *ads.* THE UNITED STATES. } No. 254. Transcript No. 264.

The petition of Pacificus Ord, attorney of the United States for the Southern District of California, for and in behalf of the United States, respectfully represents.

That on or about the 10th day of June, A. D. 1852, William E. P. Hartnell petitioned the Board of U. S. Land Commissioners for the State of California, claiming the place called Alisal, in the County of Monterey, State of California, a little more than ⅔ds of a square league of land. That thereafterwards, to wit, on or about the 12th day of September, 1854, a supplemental petition was filed, suggesting the death of said Hartnell, and alleging that they, namely, Teresa de la Guerra, widow, and Guillermo A., Juan Adelberto, Teresa, José, Matilda, Ana Magdalena, Pablo, Uldario, Amelia, and Silvestre, children, and Pablo de la Guerra and the said Maria Teresa de la Guerra de Hartnell, Exrs. of the last will and testament of said Wm. E. P. Hartnell, deceased, were parties claimants, and praying that the claim to said tract of land be confirmed to them. That on or about the 31st of October, A. D. 1854, the said claim was confirmed by the said Commissioners in favor of the heirs of said Wm. E. P. Hartnell.

That on or about the 2d of July, A. D. 1855, the said Commissioners caused a certified transcript of their proceedings, with the evidence and decision in said cause, to be filed in the office of the Clerk of this Hon. Court.

That on or about the 9th of April, A. D. 1855, the Hon. Caleb Cushing, Attorney-General of the United States, received a certified

transcript of the proceedings, evidence, and decision of said Commissioners, in said cause.

That thereafter, to wit, on or about the 25th of July, 1855, the said Attorney-General filed, or caused to be filed, in said Clerk's Office, a notice of intention of the said United States to prosecute the appeal in said cause. That the land claimed lies in the Southern District of California, and within the jurisdiction of this Hon. Court. And the said United States denies, generally, that the said claimants have a valid title to said land.

Wherefore the petitioner prays that the said claimants, or their attorneys, may be served with copies of this petition, and that after due proceedings, the said decision of the said Commissioners in said cause, may be reviewed, reversed, and set aside, and that the said claim or title may be decreed to be invalid, and general relief.

(Signed) P. ORD,
Atty. of the U. S. for the South'n Dist. of California.

Filed September 28th, 1855.
(Signed) C. E. CARR,
Clerk.
By J. W. ROSS,
Deputy.

Answer.

In the United States District Court for the Southern District of California.

THE UNITED STATES, Appellants,
v.
W. E. P. HARTNELL, Appellee. } No. 254.

Maria Teresa de la Guerra, widow, and Guillermo A., Juan Adelberto, Teresa, Jose, Matilda, Ana Magdalena, Pablo, Uldario, Amelia, and Silvestre, children, and Pablo de la Guerra, and the aforesaid Maria Teresa de la Guerra de Hartnell, executors of the last will and testament of Wm. E. P. Hartnell, deceased, the appellees, appear by their attorneys, and for answer to the petition of the United States filed herein, say, that their title to a part of the land called "Alisal," as set forth and described in the petition to the Board of Commissioners, and in the documents and other evidence in this case, is a good and valid title, and they pray this Hon. Court to affirm the decision of the Board of Commissioners, and to decree their title to be valid.

HALLECK, PEACHY, & BILLINGS,
Attorneys for Appellees.

Filed Sept. 28th, 1855.
C. E. CARR,
Clerk.
By J. W. ROSS,
Deputy.

Decree.

District Court of the United States for the Southern District of California.

Special Term.

THE UNITED STATES, Appellants,
v.
MARIA TERESA DE LA GUERRA HARTNELL, GUILLERMO A. HARTNELL, JUAN HARTNELL, ALDEBERTO HARTNELL, TERESA HARTNELL, JOSE HARTNELL, MATILDA HARTNELL, ANA MAGDALENA HARTNELL, PABLO HARTNELL, UULDARIO HARTNELL, AMELIA HARTNELL, and SILVESTRE HARTNELL, Appellees.

No. 254. "Alisal."

This cause coming on to be heard at a special term of this Court, on an appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California, under the Act of Congress, approved March 3d, 1851, upon the transcript of the decision and proceedings, and the papers and evidence on which said decision was founded, and it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed, that the decision of the said Commissioners be affirmed, and that the claim of the said appellees, Maria Teresa de la Guerra Hartnell, Guillermo A. Hartnell, Juan Hartnell, Adelberto Hartnell, Teresa Hartnell, Jose Hartnell, Matilda Hartnell, Ana Magdalena Hartnell, Pablo Hartnell, Uldario Hartnell, Amelia Hartnell, and Silvestre Hartnell, to two-thirds of a square league of land, being part of a tract of land, situated in the County of Monterey, and known by the name of "Alisal," as described in the original grant, and defined and laid off in the act of juridical possession, executed by Manuel Jimeno, on the 18th day of December, 1834, for a more particular description of which reference to be had to said original documents, both of which are of file of this case, be and the same is hereby confirmed. Provided, the said quantity of two-thirds of a square league be contained within the limits called for in said grant and papers, to which it refers; but if there be less than said named quantity, then the claim of the said appellees to said less quantity is hereby confirmed.

ISAAC S. K. OGIER,
U. S. District Judge for the Southern District of California.

Filed Oct. 3d, 1855.
(Signed) C. E. CARR,
Clerk.

In the United States District Court for the Southern District of California, Special Term.

Los Angeles, Sept. 1855.

WM. E. P. HARTNELL ET AL., Appellees, *ads.* THE UNITED STATES, Appellants. } No. 254. Transcript No. 264.

Order of Appeal.

On motion of P. Ord, Attorney of the United States for the Southern District of California, it is ordered by the Court that an appeal be granted the United States to the Supreme Court of the United States, from the judgment of this Court against the United States in the above-entitled cause, rendered on or about the 3d day of October, A. D. 1855.

(Signed) P. ORD,
U. S. Dist. Atty.

Filed October 18th, 1855.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

I, Charles E. Carr, Clerk of the District Court of the United States, for the Southern District of California, do hereby certify the foregoing 7 pages, numbered 1 to 7, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said Court, of the documentary evidence and of testimony of witnesses upon which the same is founded, on file in this office, in Case No. 254 on the docket of the said Court, wherein William E. P. Hartnell et al. are the appellees, and the United States are appellants for "Alisal."

In testimony whereof, I have hereunto set my hand, affixed the seal of said Court, at Los Angeles, California, this twentieth [SEAL.] day of December, A. D. 1855, and of the Independence of the United States of America the eightieth.

C. E. CARR,
Clerk.